

REMARKS

Prior to the present office action response, Applicants have amended claims 26, 28-35, 37, 43-47 and 51, and have cancelled claims 1-25, 27, 36, 48-50 and 52-60. In the present office action response, Applicants have amended claim 61 and have canceled claims 34-35 and 38-41. Applicants are not conceding in this patent application that the subject matter encompassed by said amended and cancelled claims are not patentable over the art cited by the Examiner, since the claim amendments and cancellations are only for facilitating expeditious prosecution of this patent application. Applicants respectfully reserve the right to pursue the subject matter encompassed by said amended and cancelled claims, and to pursue other claims, in one or more continuations and/or divisional patent applications.

The Examiner rejected claims 26, 28-33, 37-47, 51 and 61-63 under 35 U.S.C. § 102(e) as allegedly being anticipated by Stewart et al., Pat. No. 7,051,071 (hereinafter Stewart).

The Examiner rejected claims 34-35 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Stewart and Examiner's Office Notice as set forth in the previous Office Action. Since claims 34-35 have been canceled, the rejection of claims 34-35 under 35 U.S.C. § 103(a) is moot.

Applicants respectfully traverse the § 102 rejections with the following arguments.

35 U.S.C. § 102(e)

The Examiner rejected claims 26, 28-33, 37-47, 51 and 61-63 under 35 U.S.C. § 102(e) as allegedly being anticipated by Stewart et al., Pat. No. 7,051,071 (hereinafter Stewart).

Since claims 34-35 and 38-41 have been canceled, the rejection of claims 8-41 under 35 U.S.C. § 102(e) is moot.

Applicants respectfully assert that the Examiner has used Stewart improperly to reject claims 26, 28-33, 37-47, 51 and 61-63 under 35 U.S.C. § 102(e), because the filing date of January 9, 2001 of the present patent application is earlier than the filing date of February 16, 2001 of Stewart. Although Stewart claims priority of provisional application 60/183,067 filed February 16, 2000 and provisional application 60/258,804 filed December 29, 2000, the subject matter in Stewart cited by the Examiner to reject claims 26, 28-33, 37-47, 51 and 61-63 under 35 U.S.C. § 102(e) does not exist in provisional applications 60/183,067 and/or 60/258,804. Therefore, the effective prior art date for the subject matter in Stewart cited by the Examiner to reject claims 26, 28-33, 37-47, 51 and 61-63 under 35 U.S.C. § 102(e) is the filing date of February 16, 2001 of Stewart which is after the filing date of January 9, 2001 of the present patent application. Accordingly, the Examiner's rejection of claims 26, 28-33, 37-47, 51 and 61-63 as allegedly anticipated by Stewart under 35 U.S.C. § 102(e) has no legal effect.

Applicants respectfully point out that there are 26 Figures on 18 sheets of drawings in Stewart. Applicants have examined provisional applications 60/183,067 have accordingly determined that the only Figures in Stewart which are disclosed in provisional applications 60/183,067 and 60/258,804 are FIG. 26 and FIG. 4 which are disclosed as FIG. 1A and FIG. 3 in provisional application 60/183,067 and 60/258,804, respectively. FIGS. 1-3 and 5-25 in Stewart,

and the description of FIGS. 1-3 and 5-25 in Stewart, appears to be new matter in Stewart relative to provisional applications 60/183,067 and 60/258,804. Almost all of Stewart appears to be new matter relative to provisional applications 60/183,067 and 60/258,804.

If the Examiner should use Stewart as a prior art reference in the future, Applicants respectfully request that the Examiner quote the exact language in Stewart relied upon by the Examiner and the corresponding exact language in provisional applications 60/183,067 and/or 60/258,804, so that Applicants can assess whether the subject matter in Stewart relied upon by the Examiner is new matter or is not new matter relative to provisional applications 60/183,067 and 60/258,804.

Claims 26, 28-33, 37-47, and 61-63

As a first example as to why Stewart cannot be used to reject claim 26, the Examiner cites Stewart, col. 13, lines 63-67 and col. 14, lines 1-13 as allegedly teaching the following feature of claim 26: “obtain a first business process data from at least one first trading participant, said first business process data comprising a set of transaction messages having a first data format in accordance with a first protocol for conducting business transactions used by said at least one first trading participant”.

Applicants assert that Stewart, col. 13, lines 63-67 and col. 14, lines 1-13 describes an aspect of Stewart, FIG. 6 and step 194 of Stewart, FIG. 7, neither of which exists in provisional applications 60/183,067 and/or 60/258,804. Therefore, Applicants respectfully contend that Stewart, col. 13, lines 63-67 and col. 14, lines 1-13 is new matter relative to provisional

applications 60/183,067 and 60/258,804 and cannot be used as prior art as allegedly teaching the preceding feature of claim 26.

As a second example as to why Stewart cannot be used to reject claim 26, the Examiner cites Stewart, col. 9, lines 22-24 and col. 11, lines 38-65 as allegedly teaching the following feature of claim 26: “process said first business process data at a process management platform accessible via an interconnection fabric, wherein said process management platform is configured to manage the flow of said transaction messages and monitor said transaction messages”.

Applicants cannot find the content of Stewart, col. 9, lines 22-24 and col. 11, lines 38-65 in provisional applications 60/183,067 and/or 60/258,804. Therefore, Applicants respectfully contend that Stewart, col. 9, lines 22-24 and col. 11, lines 38-65 is new matter relative to provisional applications 60/183,067 and 60/258,804 and cannot be used as prior art as allegedly teaching the preceding feature of claim 26.

As a third example as to why Stewart cannot be used to reject claim 26, the Examiner cites Stewart, col. 14, lines 4-46 and claims 7 and 14 as allegedly teaching the following features of claim 26: “wherein said process management platform is configured to manage the flow of said transaction messages and monitor said transaction messages, wherein said process management platform is configured to automatically determine at least one of a plurality of second trading participants to satisfy said first business process data; identify a second protocol for conducting said business transactions used by said at least one of a plurality of second trading participants; generate a second business process data from said first business process data, the second business

process data comprising a set of transaction messages having a data format in accordance with said identified second protocol; and transmit said second business process data from said process management platform to said at least one of said plurality of second trading participants such that said first and second trading participants conduct said business transactions in accordance with their respective protocols for conducting business transactions”.

Applicants assert that Stewart, col. 14, lines 4-46 describe Stewart FIG. 7 which does not exist in provisional applications 60/183,067 and/or 60/258,804. Moreover, the description of FIG. 7 in Stewart, col. 14, lines 4-46 does not exist in provisional applications 60/183,067 and/or 60/258,804. Therefore, Applicants respectfully contend that Stewart, col. 14, lines 4-46 is new matter relative to provisional applications 60/183,067 and 60/258,804 and cannot be used as prior art as allegedly teaching the preceding features of claim 26.

Applicants further assert that Stewart, claims 7 and 14 does not exist in provisional applications 60/183,067 and/or 60/258,804,. Therefore, Applicants respectfully contend that Stewart, claims 7 and 14 is new matter relative to provisional applications 60/183,067 and 60/258,804 and cannot be used as prior art to reject claim 26 of the present patent application.

As a fourth example as to why Stewart cannot be used to reject claim 26, the Examiner cites Stewart, col. 15, lines 43-64 as allegedly teaching the following feature of claim 26: “wherein said process management platform is configured to process at least one proprietary transaction definition format”.

Applicants cannot find the content of Stewart, col. 15, lines 43-64 in provisional applications 60/183,067 and/or 60/258,804. Therefore, Applicants respectfully contend that

Stewart, col. 15, lines 43-64 is new matter relative to provisional applications 60/183,067 and 60/258,804 and cannot be used as prior art as allegedly teaching the preceding feature of claim 26.

Based on the preceding arguments, Applicants respectfully maintain that the Examiner has not demonstrated that Stewart anticipates claim 26 under 35 U.S.C. § 102(e), and that claim 26 is in condition for allowance. Since claims 28-33, 37, 42-47 and 61-63 depend from claim 26, Applicants contend that claims 28-33, 37, 42-47 and 61-63 are likewise in condition for allowance.

Claim 51

As a first example as to why Stewart cannot be used to reject claim 51, the Examiner cites Stewart, col. 5, lines 18-67 and col. 6, lines 1-8 as allegedly teaching the following feature of claim 51: “obtain a plurality of business processes from a plurality of first entities wherein said plurality of business processes comprises a sequence of messages linked by a predefined workflow and exchanged over a predefined period of time”.

Applicants cannot find the content of Stewart, col. 5, lines 18-67 and col. 6, lines 1-8 in provisional applications 60/183,067 and/or 60/258,804. Therefore, Applicants respectfully contend that Stewart, col. 5, lines 18-67 and col. 6, lines 1-8 is new matter relative to provisional applications 60/183,067 and 60/258,804 and cannot be used as prior art as allegedly teaching the preceding feature of claim 51.

As a second example as to why Stewart cannot be used to reject claim 51, the Examiner cites Stewart, col. 11, lines 38-65 as allegedly teaching the following feature of claim 51: “manage said plurality of business processes at a process management platform”.

Applicants cannot find the content of Stewart, col. 11, lines 38-65 in provisional applications 60/183,067 and/or 60/258,804. Therefore, Applicants respectfully contend that Stewart, col. 11, lines 38-65 is new matter relative to provisional applications 60/183,067 and 60/258,804 and cannot be used as prior art as allegedly teaching the preceding feature of claim 51.

As a third example as to why Stewart cannot be used to reject claim 51, the Examiner cites Stewart, col. 13, lines 63-67 and col. 14, lines 1-46 as allegedly teaching the following feature of claim 51: “forward said plurality of business processes from said process management platform to at least one of a plurality of second entities automatically configured to fulfill said plurality of business processes”.

Applicants assert that Stewart, col. 13, lines 63-67 and col. 14, lines 1-46 describe step 172 of Stewart, FIG. 6 and Stewart, FIG. 7 which does not exist in provisional applications 60/183,067 and/or 60/258,804. Moreover, the description of step 172 of Stewart, FIG. 6 and Stewart, FIG. 7 does not exist in provisional applications 60/183,067 and/or 60/258,804. Therefore, Applicants respectfully contend that Stewart, col. 13, lines 63-67 and col. 14, lines 1-46 is new matter relative to provisional applications 60/183,067 and 60/258,804 and cannot be used as prior art as allegedly teaching the preceding features of claim 51.

As a fourth example as to why Stewart cannot be used to reject claim 51, the Examiner cites Stewart, col. 15, lines 43-64 as allegedly teaching the following feature of claim 51: “said process management platform being configured to process at least one proprietary transaction definition format”.

Applicants cannot find the content of Stewart, col. 15, lines 43-64 in provisional applications 60/183,067 and/or 60/258,804. Therefore, Applicants respectfully contend that Stewart, col. 15, lines 43-64 is new matter relative to provisional applications 60/183,067 and 60/258,804 and cannot be used as prior art as allegedly teaching the preceding feature of claim 51.

Based on the preceding arguments, Applicants respectfully maintain that the Examiner has not demonstrated that Stewart anticipates claim 51 under 35 U.S.C. § 102(e), and that claim 51 is in condition for allowance.

Further Discussion

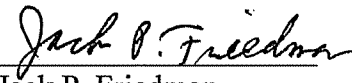
Applicants respectfully reiterate that most of the Figures and specification in Stewart does not appear to exist in provisional applications 60/183,067 and 60/258,804.

Therefore, Applicants respectfully assert that the Examiner has the burden to provide unambiguous analysis to demonstrate that everything the Examiner cites in Stewart to reject claims of the present patent application clearly exists in provisional applications 60/183,067 and/or 60/258,804.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457 (IBM).

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